

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSEPH LEWIS,

Plaintiff,

vs.

DELTA AIR LINES, INC.,

Defendant.

Case No. 2:14-cv-01683-RFB-GWF

ORDER

This matter is before the Court on Plaintiff's Notice of Motion Requesting Leave to Pay Sanction in Monthly Installments (ECF No. 112), filed on February 1, 2017. Defendant filed an Opposition (ECF No. 117) on February 8, 2017 and Plaintiff filed a Reply (ECF No. 121) on February 15, 2017.

Plaintiff requests leave to be able to pay the Court ordered sanction of \$4,656.58 to Defendant in \$200 monthly installments. Plaintiff represents that he "is unable to borrow or access funds sufficient to pay the sanction amount in gross" but could immediately begin making the \$200 a month payments. *Motion* (ECF No. 112), pg. 1. Defendant objects to Plaintiff's request on the grounds that it believes that Plaintiff does not live in poverty as he asserts and is fully capable of paying the sanction. Defendant cites to the fact that Plaintiff currently makes \$8,169 per month from his employment with Federal Express, that he pays \$2,200 in rent, that his financial statements indicate that he enjoys a considerable amount of discretionary spending and that he does not have any dependents aside from his wife. Defendant therefore requests that the sanction be paid in one lump sum but suggests that if the Court is willing to allow monthly installments, that Plaintiff be given only until October 2017 (the current trial date) to pay the

1 sanction. In response to Defendant's accusations, Plaintiff asserts that he has incurred substantial
2 debt as a result of his unemployment/underemployment over the past 4 years that resulted from
3 Defendant's actions giving rise to this case. Plaintiff attached an affidavit describing his current
4 financial status along with several bills that indicate his past due status on several accounts.

5 Upon review, the Court believes that payment of the sanction in \$200 monthly installments
6 is reasonable. However, because the Court is allowing Plaintiff to pay the sanction at the monthly
7 amount he has requested, a failure to do so will likely result in additional sanctions that could
8 include a recommendation to the District Judge that Plaintiff's claims be dismissed. Accordingly,

9 **IT IS HEREBY ORDERED** that Plaintiff's Notice of Motion Requesting Leave to Pay
10 Sanction in Monthly Installments (ECF No. 112) is **granted**.

11 **IT IS FURTHER ORDERED** that Plaintiff is to make his first \$200 monthly installment
12 no later than March 1, 2017 and continuing each month thereafter until the sanction is paid in full.¹

13 DATED this 16th day of February, 2017.

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16 GEORGE FOLEY, JR.
17 United States Magistrate Judge
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27 ¹ Plaintiff indicated that he would be able to pay the first \$200 monthly installment at the time he filed his motion on
28 February 1, 2017. However, the Court is uncertain if he did in fact make that payment. If he did, then his second \$200
payment is due no later than March 1, 2017.